| SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, Vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, Vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, CIV. NO. S-05-1961 LKK O Vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | | |
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| IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA FRU-CON CONSTRUCTION CORPORATION, Plaintiff, CIV. NO. S-05-0583 LKK O vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK O vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK O vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, SACRAMENTO MUNICIPAL UTILITY DISTRICT, SACRAMENTO MUNICIPAL UTILITY DISTRICT, | 1 | |
| IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA FRU-CON CONSTRUCTION CORPORATION, Plaintiff, CIV. NO. S-05-0583 LKK C vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK C vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK C vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 2 | |
| IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA FRU-CON CONSTRUCTION CORPORATION, Plaintiff, CIV. NO. S-05-0583 LKK COURT VS. SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK COURT VS. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK COURT VS. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 3 | |
| FOR THE EASTERN DISTRICT OF CALIFORNIA FRU-CON CONSTRUCTION CORPORATION, Plaintiff, CIV. NO. S-05-0583 LKK CONSTRUCTION MUNICIPAL UTILITY DISTRICT, et al., Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK CONSTRUCTION CORPORATION, et al., Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Defendants. Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., Plaintiff, CIV. NO. S-05-1961 LKK CONSTRUCTION CORPORATION, et al., PLAINTING CORPORATION CORPORATION, et al., PLAINTING CORPORA | 4 | |
| FRU-CON CONSTRUCTION CORPORATION, Plaintiff, CIV. NO. S-05-0583 LKK Company SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK Company FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK Company SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 5 | IN THE UNITED STATES DISTRICT COURT |
| Plaintiff, CIV. NO. S-05-0583 LKK COV. VS. SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK COV. Plaintiff, VS. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK COV. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 6 | FOR THE EASTERN DISTRICT OF CALIFORNIA |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, Vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, Vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, CIV. NO. S-05-1961 LKK ORDER SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 7 | FRU-CON CONSTRUCTION CORPORATION, |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, Vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, Vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 8 | Plaintiff, CIV. NO. S-05-0583 LKK GGH |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, et al, Defendants. SACRAMENTO MUNICIPAL UTILITY DISTRICT, SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, VS. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, VS. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 9 | VS. |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK C vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK C vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | | |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, Plaintiff, CIV. NO. S-05-0617 LKK O vs. FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK O vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 12 | Defendants. |
| FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK COMPANY OF AMERICA, SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | | SACRAMENTO MUNICIPAL UTILITY DISTRICT, |
| FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK COMPANY OF MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 15 | Plaintiff, CIV. NO. S-05-0617 LKK GGH |
| FRU-CON CONSTRUCTION CORPORATION, et al, Defendants. TRAVELERS CASUALTY AND SURETY COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK COMPANY OF AMERICA, SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 16 | vs. |
| COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK C vs. SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 18 | |
| SACRAMENTO MUNICIPAL UTILITY DISTRICT, Defendant. ORDER | 21 | COMPANY OF AMERICA, Plaintiff, CIV. NO. S-05-1961 LKK GGH |
| UTILITY DISTRICT, Defendant. ORDER | | |
| Defendant. ORDER | | UTILITY DISTRICT, |
| II | | Defendant. ORDER |

The court is in receipt of the proposed discovery plan signed by counsel for Fru-Con/Teichert and the Sacramento Municipal Utility District. In that plan, these parties reference the attendance of a representative from Travelers (Case No. CIV-S 05-1961 filed September 27, 2005- now related to the Fru-Con and SMUD cases). However, the submitted discovery plan is silent as to Travelers' agreement, disagreement or supplemental requests.

The court is not certain of the extent to which the interests of Travelers and Frucon/Teichert are aligned. The court is further unsure of the extent to which Travelers will be relying on Fru-Con for its discovery. The court is unaware of state actions involving Travelers. Nevertheless, the court is certain that a discovery plan should not issue unless it involves all present parties to the federal actions.

Therefore, no later than November 11, 2005, Travelers shall file a joint statement with Fru-Con and SMUD:

- (1) declaring that it will rely on the discovery of the other parties, and plans to take no affirmative part in discovery; or,
- (2) declaring that it will conduct its own discovery to the extent that it desires to do so, and that it agrees to the procedures and limitations set forth in the filed proposed discovery plan; or,
- (3) declaring that it will conduct its own discovery to the extent that it desires to do so, noting agreement or disagreement with the filed proposed discovery plan and making any supplemental requests (after consulting with Fru-Con and SMUD counsel) which it desires the court to consider.

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Fru-Con and SMUD will make known their own agreements or requests with respect to Travelers discovery in this joint statement. IT IS SO ORDERED. DATED: November 4, 2005 /s/ Gregory G. Hollows GREGORY G. HOLLOWS U. S. MAGISTRATE JUDGE GGH:076 Fru-Con583.trv.wpd